

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH ADAIR DAVIS,

CASE NO. C16-5129 BHS

Plaintiff,

ORDER ADOPTING REPORT AND RECOMMENDATION

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 119), and Plaintiff’s objections to the R&R (Dkt. 130).

The background and procedural history of this case is adequately set forth in the R&R. See Dkt. 119 at 2. The R&R was entered on July 25, 2017. Dkt. 119. On August 4, 2017, Plaintiff filed a motion informing the Court that he received the R&R with inadequate notice to properly file objections. Dkts. 121, 122. On August 30, 2017, the Court extended the deadline for filing objections to the R&R. Dkt. 125. On September 15, 2017, Plaintiff filed his objections. Dkt. 130.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 Plaintiff makes numerous conclusory objections to the R&R wherein he reiterates
2 his positions in respect to Defendants' arguments in favor of summary judgment, but
3 Plaintiff fails to point to any issue not adequately and appropriately addressed by the
4 R&R. *See* Dkt. 120. Additionally, Plaintiff claims that he has newly discovered evidence
5 that Defendants have violated the Americans with Disabilities Act. *Id.* at 1. This evidence
6 consists of a grievance in which a Department of Corrections ("DOC") official responds
7 that an unspecified audit of their facility has identified areas that will require
8 modification or other upgrades consistent with ADA requirements. *Id.* at 8. However, this
9 grievance response does not undermine the undisputed facts cited in the R&R
10 establishing that Defendants provided Plaintiff with meaningful access or reasonable
11 accommodations in the DOC facility where he was housed. *See* Dkt. 119 at 20–22.
12 Reviewing the record, the Court agrees with the R&R's conclusion that "[t]he undisputed
13 evidence shows Plaintiff was provided with accommodations for his disability." *Id.* at 22.

14 Therefore, having considered the R&R, Plaintiff's objections, and the remaining
15 record, the Court finds and orders as follows:

16 (1) The R&R is **ADOPTED**; and
17 (2) This action is **DISMISSED**.

18 Dated this 30th day of October, 2017.

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BENJAMIN H. SETTLE
22 United States District Judge